

Rule 6.5. Nonprofit and Court-Annexed Limited Legal Services Programs.

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(a)(1) is subject to Rule 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(a)(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Comment

[1] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services such as advice or the completion of legal forms that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g. Rules 1.7, 1.9 and 1.10.

[2] A lawyer who provides short-term limited legal services pursuant to this Rule must secure the client's informed consent to the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this Rule, the Rules of Professional Conduct, including Rule 1.6 and 1.9(c), are applicable to the limited representation.

31 [3] Because a lawyer who is representing a client in the circumstances addressed  
32 by this Rule ordinarily is not able to check systematically for conflicts of interest,  
33 paragraph (a) requires compliance with Rule 1.7 or 1.9(a) only if the lawyer knows that  
34 the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only  
35 if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7  
36 or 1.9(a) in the matter.

37 [4] Because the limited nature of the services significantly reduces the risk of  
38 conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b)  
39 provides that Rule 1.10 is inapplicable to a representation governed by this Rule except  
40 as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to  
41 comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by  
42 Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a  
43 short-term limited legal services program will not preclude the lawyer's firm from  
44 undertaking or continuing the representation of a client with interests adverse to a client  
45 being represented under the program's auspices. Nor will the personal disqualification  
46 of a lawyer participating in the program be imputed to other lawyers participating in the  
47 program.

48 [5] If, after commencing a short-term limited representation in accordance with this  
49 Rule, a lawyer undertakes to represent the client in the matter on an ongoing basis,  
50 Rules 1.7, 1.9(a) and 1.10 become applicable.